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NW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/895,094 07/16/97 PARULSKI

K 69998DMW

EXAMINER

TM02/1107

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ART UNIT 1107 PAPER NUMBER

29

DATE MAILED:

11/07/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

NW

# Office Action Summary

Application No.

08/815094

Applicant(s)

Parulshi et al

Examiner

Harrington

Group Art Unit

2612

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 8.24.00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 32-53 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 32-53 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2612

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 8/24/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/895,094 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 32-53 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 U.S.C. § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 52-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner is unclear as to applicants intended means of third pixel values of the processed still image is greater than the first number of pixel values of the captured still image,

Art Unit: 2612

since applicant describes the first number of pixels values as the output from the image sensor which encompass motion and still image data. The claims are Examined as best understood by the Examiner.

***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pape (US

4,819,059) in view of Ueda (US 5,923,816), further in view of Parulski (US 4,876,590).

Regarding claim 32, <sup>Pape</sup>Ueda discloses a color video recorder comprising an image sensor (CCD;12) which outputs all pixel signals which are amplified, pre processed (18) and then fed to two processing routes, in one embodiment. Motion image are selected and output through (20 and 22) one processing channel and still images are processed and output through (24;26, digital memory for storing still information-28,32) another processing channel. The still image data is processed and stored to provide an high resolution still (more data for per image) interleaved with the moving images. Both, processing channels are input to a multiplex for interleaving the motion and still image data which can be displayed on single display or multiple displays (see figure 5) via further processing to provide a separate lower resolution motion and higher resolution still (col.

Art Unit: 2612

4, lines 45-61; col. 5, lines 45-51; see figure 1 and 5; col. 7, lines 1-35; also see figure 6; col. 7, lines 35-70 as another embodiment). Although, Pape discloses still images and motion images may be displayed simultaneously, Pape fails to specifically disclose the a still image is captured while previewing the motion images. Although, it is well known in the art, as taught by Ueda.

Ueda disclose a camera system which also records motion and still images where upon imitation of a button (14) a still image is recorded while the motion images are being displayed. The still image can also be displayed (col. 4, lines 26-67 and col. 5, lines 8-11). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature in Pape, as taught by Ueda, such that still images can be recorded without interrupting motion image processing and review, as taught by Ueda. However, Pape and Ueda fail to specifically discloses the motion processing where the second number of pixel values is less than the first number (image sensor number), the second color pattern is different from the first, and the different display pattern as claimed. In the same field of endeavor, Parulski discloses a video camera with a low resolution display for displaying NTSC video images where the motion signals are generated from a portion (luminance only, second number and second color pattern) the high resolution image output (col. 2, lines 30-45). The display is a monochrome monitor (col. 4, lines 24-30; display color pattern different from image sensor color pattern). Thus it would have been obvious to one of ordinary skill in the art to modify Pape and Ueda, as taught by Parulski, such that a video camera can display a low resolution motion image with a standard television frame

Art Unit: 2612

rate without using expensive system components (see col. 1, lines 40-60 and col. 2, lines 1-15), such as an extra sensor or expensive display device, as taught by Parulski.

As for claim 33, see Examiner notes in claim 32.

As for claim 35, see Examiners notes in claim 42. Although, Pape discloses processing the image signal after storing the signal, it would have been an obvious matter of design choice to process the images signals before storing, as it appears the system would work equally as well with storing before processing.

As for claim 36-37, the motion image signals are processed and displayed in digital format(see figure 5,col. 7,lines 11-5-10 and 33-35)

As for claim 38, Pape discloses displaying a digital image. Ueda discloses displaying analog images. Therefor, display an analog or digital signal would depend on your type of output monitor and would have been obvious matter of design choice.

As for claim 40, see Examiner notes in claim 32. In addition, Pape fails to specifically disclose a JPEG compressor for still image data. Ueda discloses compressing still image data before recording on tape but also fails to specifically disclose using JPEG. However, it would have been obvious to one of ordinary skill in the art to compress the still image data before storing ,as claimed , to increase the storing capacity of data in the memory. The Examiner takes official notice that it notoriously well known in the art to compress still images using a JPEG compression algorithm. Therefore, it would have been obvious to use JPEG compression in the systems of Pape and Ueda, as it an well known industry compression standard for still images.

Art Unit: 2612

As for claim 41, Pape discloses the digital memory may be any conventional medium (col. 4, lines 17-19). Thus it would have been obvious to include a removable memory card, which would increase the storing capacity of the system.

Claims 42, 43, 45-48, 50-51 are substantially equivalent to the claims 32, 33, 35-38 and 40-41 discussed above. For sake of brevity, please see discussion and analysis of the claims above.

As for claims 34 and 44, Pape and Ueda fails to specifically disclose the processor are combined into a single integrated circuit. However, Pape and Ueda disclose the claimed invention except for the integrated processing circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an integrated processing circuit, since it has been held that forming one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. In addition, the Examiner takes official notice that an integrated circuit used to perform several processing and control functions in a camera is notoriously well known in the art.

As for claims 39 and 49, see Examiner notes in claim 34 and 44. Also, each imaging system, Pape and Ueda, have controllers which are run by programmed instruction/software. The implementation of signal processing in a single integrated circuit which is further designed to run algorithms/software to process image data would have been obvious to one of ordinary skill in the art, as such implementation is commonly called microprocessors. This microprocessor is also able to upload (from the firmware memory) software for image processing instruction. Thus it would have been obvious to one of ordinary skill in the art, to include a firmware memory and

Art Unit: 2612

integrated circuit in camera for image processing, as it would not require any extraordinary expense as microprocessors are readily available on the camera market . Such camera systems incorporating these parts, are also re-programmable, which adds versatility to the camera system.

As for claims 52-53, see Examiner notes above in claims 32 and 42. Additionally, still image data is greater than the moving image data output as the still image data of Pape comprises a combination of several fields/frames.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Harrington whose telephone number is (703) 308-9295. The examiner can normally be reached on Monday to Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

Art Unit: 2612

**Or:**

(703) 308-6296 (for informal or draft communication, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor ( Receptionist).

AMH: *AMH*

November 2, 2000

*W Garber*  
WENDY R. GARBER  
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